

**IN THE UNITED STATES BANKRUPTCY COURT**

**FOR THE DISTRICT OF PUERTO RICO**

IN RE:

MANUEL E MALARET MARTINEZ

**DEBTOR**

CASE NO.: **14-08732** (ESL)

CHAPTER: **13** (JRC)

**MOTION IN COMPLIANCE WITH THE COURT'S ORDER;**

**REPLY TO THE TRUSTEE'S UNFAVORABLE RECOMMENDATION**

**AND**

**CERTIFICATE OF SERVICE**

**TO HONORABLE COURT:**

**COMES NOW** DEBTOR, through the undersigned attorney and respectfully COMPLIES, STATES, ALLEGES, PRAYS and REQUESTS RELIEF as follows:

**INTRODUCTION**

The Debtor filed the post-confirmation Chapter 13 payment plan on November 7<sup>th</sup> 2016 [*Docket number 70*]. The Chapter 13 filed an unfavorable recommendation on November 16<sup>th</sup>, 2016 [*Docket number 71*] and the Honorable Court issued the following ORDER on December 12<sup>th</sup>, 2016 [*Docket number 72*]: "*The Debtor is granted fourteen (14) days to reply to the Chapter 13 Trustee's unfavorable recommendation. Upon failure to reply timely, the Court may enter an order denying the debtor's proposed post confirmation modified plan.*" The Debtor Hereby complies with the Court's order and replies as follows:

### **FACTS AND AVERMENTS**

1) That in the Trustee's unfavorable recommendation, the Trustee informs that there is an error in the plan base's computation. The Debtor hereby replies and informs that a new P.C.M. will be filed with a corrected plan base.

2) That the Chapter 13 further stated that the debtor has not provided evidence of the value of the property at 1567 Americo Miranda Ave. The Debtor hereby replies and informs that the documents will be provided to the Trustee within the next 28 days, due to the holiday season.

3) The Chapter 13 further stated that the debtor must be amended to state the correct arrears amount stated by secured creditor Wells Fargo. The Debtor hereby replies and informs that a new P.C.M. will be filed with the corrected arrears amount.

4) The Debtor hereby and informs that the corresponding amended schedules required by the Trustee will be filed within the next 28 days, due to the holiday season.

5) The Debtor hereby further replies and informs that a new P.C.M. will be filed within the next 28 days, due to the holiday season, with a new plan base, since the Trustee understands that the base should be higher.

6) Wherefore, in lieu of the aforementioned, the Debtor hereby complies with the Court's order.

### **NOTICE**

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

### **PRAYER FOR RELIEF**

**WHEREFORE,** it is humbly requested from this Honorable Court:

1. To take judicial notice of the aforementioned compliance and reply.
2. To grant any other relief it deems necessary.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this date, I electronically filed the *aforementioned* with the Clerk of the Court using the CM/ECF system which will send notification, upon information and belief, of such filing to the Chapter 13 Trustee and to all other participants appearing in said record.

**I HEREBY FURTHER CERTIFY** that we have served by regular mail this document to any creditor as per attached master address list upon knowing that they are non CM/ECF participants.

**RESPECTFULLY SUBMITTED**

In San Juan, Puerto Rico, this 22<sup>nd</sup> day of December of 2016.

**/S/ JAIME L. VELASO BONILLA II, Esq.**  
JAIME L. VELASCO BONILLA II, ESQ.  
USDC-PR: 222,312  
ATTORNEY FOR DEBTOR  
P.O. BOX 9023336  
SAN JUAN, P.R. 00902-3336  
TEL: (787) 562-0837  
E-MAIL: **VELASCOLAW@HOTMAIL.COM**